



The following constitutes
the order of the court. Signed February 28, 2012

A handwritten signature in black ink, appearing to read "William J. Lafferty, III".

William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Jose Garcia,
Miu Ling Tse,

Debtors.

No. 11-46608 WJL
Chapter 7

**MEMORANDUM RE: HEARING ON OBJECTION
TO DEBTORS' CLAIMS OF EXEMPTION**

On February 29, 2012, a hearing will take place regarding the chapter 7 trustee's Objection to Debtors' Claim of Exemptions. The Court provides this memorandum to make the chapter 7 trustee aware of a possible deficiency with service of the objection.

According to the proofs of service on file, the trustee served the debtors' counsel with the objection and the notice of hearing, but did not serve the debtors. An objection to a claim of exemptions constitutes a contested matter. As a contested matter, Bankruptcy Rule 9014 requires that the initiating papers be served in compliance with Bankruptcy Rule 7004. Bankruptcy Rule 7004 requires service upon both the debtors and the debtors' counsel.

1 See Fed. R. Bankr. Proc. 7004(b)(1) and (g). As a result, it
2 appears that service is improper.

3 Based on the foregoing, the Court requests that the chapter 7
4 trustee be prepared to address the sufficiency of service of the
5 objection at the outset of the hearing on February 29, 2012 at 9:30
6 a.m.

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